

REMARKS

This Application has been carefully reviewed in light of the Office Action mailed October 5, 2011. In the Office Action, Claims 1-4 and 8-11 were rejected, and Claims 5-7 were previously withdrawn due to an election/restriction requirement. Claims 1 and 8 are herein amended. Applicant respectfully requests reconsideration and allowance of all pending claims.

Rejections under 35 U.S.C. § 112

Claims 1 and 8 were rejected by the Examiner under 35 U.S.C. §112, second paragraph, as being indefinite and failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Applicant amends Claims 1 and 8 accordingly.

Rejections under 35 U.S.C. § 102

Claims 1-4 and 8-11 were rejected by the Examiner under 35 U.S.C. §102(b) as being anticipated by *Szekely* (US 2,338,744).

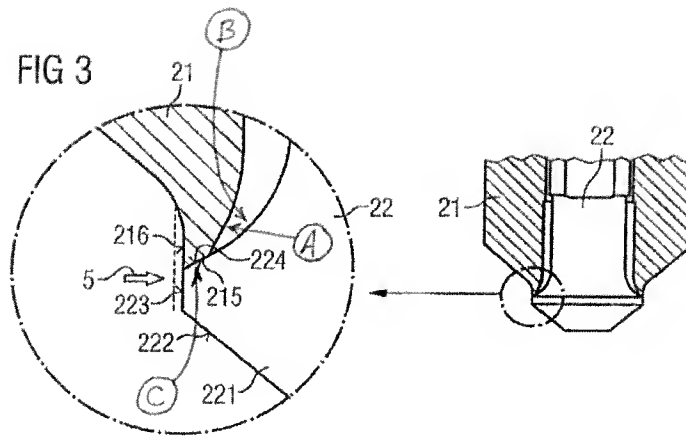
Applicants have amended independent Claims 1 and 8 to further distinguish from *Szekely*. For example, amended Claim 1 recites in part:

wherein a cross-section the inner diameter contour of the cartridge adjacent the needle seat is curved such that an inner diameter of the cartridge gradually increases in a downstream direction,

wherein a cross-section an outer diameter contour of the needle upstream of the cylindrically-shaped area of the needle is curved such that an outer diameter of the cartridge gradually increases in the downstream direction, and

wherein in a closed position, the seat area of the needle rests directly on the needle seat of the cartridge.

Applicants indicate these limitations as A, B, and C in Figure 3 below.



In particular, the feature of “a cross-section the inner diameter contour of the cartridge adjacent the needle seat is curved such that an inner diameter of the cartridge gradually increases in a downstream direction” is shown at “A.”

The feature of “a cross-section an outer diameter contour of the needle upstream of the cylindrically-shaped area of the needle is curved such that an outer diameter of the cartridge gradually increases in the downstream direction” is shown at “B.”

Finally, the feature of “wherein in a closed position, the seat area of the needle rests directly on the needle seat of the cartridge” is shown at “C.”

Szekely does not teach these features. *Szekely* does not teach the curved inner contour of the projection 13 along with the curved outer contour of head, as recited above. Further, *Szekely* does not teach that in a closed position, **the seat area of the needle rests directly on the needle seat of the cartridge**. In fact, *Szekely* teaches the **opposite**. *Szekely* teaches a corrugated annular member or washer 15 of resilient material clamped between an annular shoulder 16 of projection 13 and a complementary head 17. (col. 2, lines 7-18; Figures 1, 4, and 5). Thus, *Szekely* does not teach the limitations recited in amended Claim 1 and 8.

Applicants note that “[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 U.S.P.Q.2d 1051, 1053 (Fed. Cir. 1987). Furthermore, “**the identical invention** must be shown in as

complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co. Ltd.*, 868 F.2d 1226, 1236, 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989).

For at least the reasons set forth above, *Szekely* does not teach “each and every element” or “the identical invention” as recited in amended Claims 1 and 8. Accordingly, Applicants request reconsideration and allowance of amended Claims 1 and 8, as well as all claims that depend therefrom.

CONCLUSION

Applicant has made an earnest effort to place this case in condition for allowance in light of the remarks set forth above. Applicant respectfully requests reconsideration of the pending claims.

Applicant believes there are no fees due at this time. However, the Commissioner is hereby authorized to charge any fees necessary or credit any overpayment to Deposit Account No. 50-4871 of King & Spalding L.L.P.

If there are any matters concerning this Application that may be cleared up in a telephone conversation, please contact Applicant's attorney at 512.457.2030.

Respectfully submitted,
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